

United States Attorney
Southern District of New York

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Via Facsimile (212-805-0426)
Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
 Foley Square
New York, New York 10007

Re: United States v. Eric Maxwell
04 Cr. 679 (LTS)

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 9, 2005

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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Dear Judge Swain:

A conference is scheduled for Thursday, September 15, 2005, at 10:00 a.m.. With defense counsel's consent, the Government respectfully requests an adjournment until mid-October, on a date convenient for the Court. The adjournment is being sought to permit the defendant and his counsel additional time to decide whether to accept a plea offer extended by the Government on September 8, 2005. In addition, defense counsel, Sean Hecker, Esq., has informed me that he is on trial next week. With defense counsel's consent, the Government also respectfully requests the exclusion of time under the Speedy Act from September 15, 2005, to the date the Court sets for the next conference.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:

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THE REQUESTED ADJOURNMENT AND EXCLUSION ARE GRANTED. THE CONFERENCE IS ADJOURNED TO OCTOBER 20, 2005 AT 12:30 P.M. THE COURT FINDS THAT THE ENDS OF JUSTICE SERVED BY THE GRANTING OF AN EXCLUSION FROM SPEEDY TRIAL COMPUTATIONS FOR THE PERIOD FROM TODAY'S DATE THROUGH OCTOBER 20, 2005, OUTWEIGH THE BEST INTERESTS OF THE PUBLIC AND THE DEFENDANT IN A SPEEDY TRIAL BECAUSE OF THE NEED FOR FURTHER DISCUSSIONS AND THE AVAILABILITY OF DEFENSE COUNSEL. THE COURT, ACCORDINGLY, EXCLUDES SUCH TIME PERIOD PROSPECTIVELY. SO ORDERED.

LT *9/9/05*
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

TOTAL P.02

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Copies mailed Atty/Govt 9/9/05
Chambers of Judge Swain